

REMARKS

This responds to the Final Office Action dated September 6, 2006 (the “Office Action”).

Claim 1 is amended. Support for the amendment can be found generally within the specification (see e.g., pg. 17 lines 14-21 and FIG. 11). Applicant respectfully requests the amendments to be entered by the Examiner, as provided in M.P.E.P. § 714.13 III, because Applicant believes the amendments place the application in condition for allowance. Claims 1-12 and 21-29 are now pending in this application.

§102 Rejection of the Claims

Claims 1-6, 10-12, and 21-29 were rejected under 35 USC § 102(e) as being anticipated by Narayan et al. (U.S. 6,860,652). Applicant respectfully traverses the rejection.

A declaration is supplied herewith under 37 C.F.R. § 1.131 to establish the inapplicability of Narayan as a reference under 35 U.S.C. § 102(e). Applicant respectfully requests reconsideration and allowance of claims 1-6, 10-12, and 21-29.

§103 Rejection of the Claims

Claims 1-4, 6, 10-12, and 25-28 were rejected under 35 USC § 103(a) as being unpatentable over Rechberger et al. (U.S. 2004/0240803, “Rechberger”). Applicant respectfully traverses the rejection at least because Rechberger does not teach or suggest all the elements of the claims in their present form.

Applicant cannot find in Rechberger any teaching or suggestion of, among other things, a metal layer attached to the upper surface of the insulating base, and a metal cap having a rim located at a bottom portion thereof; ... wherein the metal layer extends past the rim by at least an amount sufficient to receive an electrode,

as presently recited in claim 1. Applicant respectfully requests reconsideration and allowance of claims 1-4, 6, 10-12, and 25-28.

Allowable Subject Matter

Claims 7-9 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7-9 ultimately depend on base claim 1. Applicant acknowledges the allowable subject matter. But as set forth above, Applicant believes that base claim 1 is allowable in its present form.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Nov. 3, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of November 2006.

Amy Moriarty
Name

[Signature]
Signature